

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARI ANN MARTIN,

Defendant.

CR 17-41-GF-BMM

ORDER

Defendant Cari Ann Martin (Martin) appeared before United States Magistrate Judge John Johnston on July 26, 2017, and entered a plea of guilty to Possession with Intent to Distribute Methamphetamine as charged in Count II of the Indictment. Judge Johnston entered Findings and Recommendations on July 26, 2017. (Doc. 19). Judge Johnston determined: (1) that Martin was fully competent and capable of entering an informed and voluntary plea; (2) that Martin was aware of the nature of the charges against her and the consequences of pleading guilty to Count II; (3) that Martin understood her constitutional rights, and the extent to which she was waiving those rights by pleading guilty; (4) that Martin's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count II; (5) that Martin had adequate time to review the Plea

Agreement with counsel; and (6) that Martin understood each provision of the Plea Agreement. (Doc. 19 at 1-2). Judge Johnston recommended that this Court accept Martin's plea of guilty to Possession with Intent to Distribute Methamphetamine as charged in Count II. (Doc. 19 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Martin's Motion to Change Plea (Doc. 13) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 14) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 8th day of August, 2017.



Brian Morris
United States District Court Judge